



Sen. Michael Noland

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09500SB1029sam005

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1 AMENDMENT TO SENATE BILL 1029

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1029 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Consumer Contract Plain Language Act.

6 Section 5. Definitions. As used in this Act, unless the  
7 context clearly requires otherwise:

8 "Alternative gas consumer" means an individual who gives or  
9 promises to give money or other consideration to alternative  
10 gas suppliers as defined in Section 19-105 of the Public  
11 Utilities Act in exchange for natural gas.

12 "Alternative gas supplier consumer contract" means a  
13 written contract between a consumer and an alternative gas  
14 supplier.

15 Section 10. Plain language required. Except as provided in

1 Section 15, every alternative gas supplier consumer contract  
2 with a residential customer or small commercial customer shall  
3 meet all of the following criteria:

4 (1) The contract shall adequately inform the consumer of  
5 the rights and duties fixed by the contract.

6 (2) The contract shall be sufficiently clear and readable  
7 for the ordinary reader, using, so far as is practical, words  
8 with common, everyday meanings. For purposes of this  
9 subdivision (2), a contract is sufficiently clear and readable  
10 if it adheres to all the standards set forth in Section 1-201  
11 of the Uniform Commercial Code, as enacted in Illinois, and  
12 Section 2P of the Consumer Fraud and Deceptive Business  
13 Practices Act.

14 (3) The contract shall be printed in a clear and  
15 conspicuous manner. For purposes of this subdivision (3),  
16 "conspicuous" has the meaning ascribed to that term in  
17 subdivision (10) of Section 1-201 of the Uniform Commercial  
18 Code, as enacted in Illinois, but in no case with the font  
19 smaller than 10 point. Contracts governed by this Act shall  
20 adhere to the clear and conspicuous standard provided in  
21 Section 2P of the Consumer Fraud and Deceptive Business  
22 Practices Act.

23 Section 15. Exceptions. This Act does not prohibit the use  
24 of the following in alternative gas suppliers consumer  
25 contracts:

1           (1) Words or phrases, or forms of agreement, required by  
2 State or federal law or by rule or regulation of a State or  
3 federal governmental instrumentality; or

4           (2) Technical terms if (i) those terms are customarily used  
5 by consumers in connection with the service or (ii) there is no  
6 sufficiently clear and readable substitute for those terms.

7           Nothing in this Act shall be construed to apply to, modify,  
8 or in any way limit the terms of any contract other than  
9 contracts within the category specifically delineated herein.

10           Section 20. Violation. If the Attorney General has reason  
11 to believe that a business entity is using or has used an  
12 alternative gas supplier consumer contract that violates  
13 Section 10 and determines that an action under this subsection  
14 would be in the public interest, the Attorney General may bring  
15 an action, in the name of the People of the State of Illinois,  
16 against that business entity to restrain the use of that  
17 alternative gas consumer contract.

18           A violation of this Act constitutes an unlawful practice  
19 under the Consumer Fraud and Deceptive Business Practices Act.

20           Section 90. The Consumer Fraud and Deceptive Business  
21 Practices Act is amended by changing Section 2Z as follows:

22           (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

23           (Text of Section after amendment by P.A. 95-562)

1           Sec. 2Z. Violations of other Acts. Any person who knowingly  
2 violates the Automotive Repair Act, the Automotive Collision  
3 Repair Act, the Home Repair and Remodeling Act, the Dance  
4 Studio Act, the Physical Fitness Services Act, the Hearing  
5 Instrument Consumer Protection Act, the Illinois Union Label  
6 Act, the Job Referral and Job Listing Services Consumer  
7 Protection Act, the Travel Promotion Consumer Protection Act,  
8 the Credit Services Organizations Act, the Automatic Telephone  
9 Dialers Act, the Pay-Per-Call Services Consumer Protection  
10 Act, the Telephone Solicitations Act, the Illinois Funeral or  
11 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
12 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
13 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
14 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
15 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
16 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
17 Act, the Internet Caller Identification Act, paragraph (6) of  
18 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
19 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the  
20 Illinois Vehicle Code, Article 3 of the Residential Real  
21 Property Disclosure Act, the Automatic Contract Renewal Act,  
22 the Consumer Contract Plain Language Act, or the Personal  
23 Information Protection Act commits an unlawful practice within  
24 the meaning of this Act.

25           (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,  
26 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,

1 eff. 1-1-08; 95-562, eff. 7-1-08; revised 10-17-07.)".